



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/950,760	10/15/1997	ANN M. WOLLRATH	06502.0063-0	9769

7590 05/07/2003

JEFFREY A BERKOWITZ
FINNEGAN HENDERSON FARABOW GARRETT &
DUNNER
1300 I ST NW
WASHINGTON, DC 200053315

[REDACTED] EXAMINER

LAO, SUE X

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2126

DATE MAILED: 05/07/2003

LZ

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 08/950,760 Examiner S. Lao	Applicant(s) Wollrath, et al Art Unit 2126	
-----------------------------------------------------------------------	-----------------------------------------------------------------------	-------------------------------------------------------------------------------------

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Jan 14, 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 70-102 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 70-102 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 70-102 are pending. This action is in response to the amendment filed 1/14/2002 accompanying a CPA request. Applicant has canceled claim 54-69 and added claims 70-102.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 85 is rejected under 35 U.S.C. 102(b) as being anticipated by Wollrath et al ("Simple Activation for Distributed Objects").

As to claim 85, Wollrath teaches a method of handling an object call for an object (object activation protocol), comprising

receiving a first object call to remotely activate a first object (object invocation),

in response to, determining whether a first object group corresponding to is active (depending on status of the object being active or passive),

if it is determined that the first object group is not active (not already active), creating the first object group (activate all objects of an aggregate object, activate transitive closure of referenced object) and activating the first object within (activate object within an aggregate),

wherein the first object group is a first subset (aggregate object, group/set of objects) of all objects that can be remotely activated (distributed objects). See sections 2, 2.1, 2.2, 2.3, 3.3, 3.4, 3.5.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath et al.

As to claim 88, it is covered by claim 85 except that the steps are applied to a second object call, second object, second group, second subset different. The system of Wollrath is a distributed object system, which inherently provides multiple groups/sets of objects and the invocation thereof. Page 2, left col.. Therefore, it would have been obvious to perform the steps as recited in claim 85 for the invocation of a second object belonging to a second group/set for the purpose of uniformity.

6. Claims 70-84, 86, 87, 89-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath et al in view of Ruehle et al (U S Pat. 6,553,428).

As to claims 70, 91, note discussion of claim 85, in particular for first object request/call, first object, first object group, first activation entity. While Wollrath teaches creating a server process to service the object request, Wollrath does not teach that this includes creating a virtual machine on which the activation entity / activator and the first object group execute.

Ruehle teaches creating a server process to service an object request, including creating a virtual machine (create Java VM 21A, 72A) on which an activation entity (process object) and the first object group (objects) execute. See col. 6, lines 3-20; col. 8, lines 1-14; col. 9, lines 25-33. In Ruehle, the first object group (Java objects) are executed only in the first virtual machine (Java VM). Given the teaching of Ruehle, it would have been obvious to create a virtual machine on which the activation entity and the first object group execute in Wollrath. The motivation to combine includes updating the server

technology to a more modern Java-based server technology, while maintaining compatibility to pre-existing non-Java based server systems. (Ruehle, col. 2, lines 48-56).

As to claims 71-75, Wollrath as modified by Ruehle teaches (Ruehle) user predetermined to be (Java, non-Java requests), object activator (13), passes (socket), first computer (client 10), second computer (server 11).

As to claim 76, note discussion of claim 88.

As to claim 77-84, these correspond to claims 73, 71, 72, 72 (passes), 74, 75, 74, 75, respectively, except that the steps recited for 'first' are applied to 'second', ie, second object call, second object, second group, second subset different. The system of Wollrath as modified is a distributed object system, which inherently provides multiple groups/sets of objects and the invocation thereof. Page 2, left col.. Therefore, it would have been obvious to perform the steps as recited in claim 85 for the invocation of a second object belonging to a second group/set for the purpose of uniformity.

As to claim 86, note discussion of claim 70.

As to claim 87, note discussion of claim 71.

As to claims 89, 90, note discussion of claims 76 and 77, respectively.

As to claims 92-100, note discussion of claims 71, 73-76, 78, 77, 74, and 79, respectively.

As to claims 101 an 102, these are equivalent to claims 81 and 82 respective except for 'second' vs 'first'. The system of Wollrath as modified is a distributed object system, which inherently provides multiple groups/sets of objects and the invocation thereof. Page 2, left col.. Therefore, it would have been obvious to perform the steps as recited in claim 85 for the invocation of a second object belonging to a second group/set for the purpose of uniformity.

7. Applicant's arguments filed 1/14/2002 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Alvin Oberley, can be reached on (703) 305 9716. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7238 for After Final communications, (703) 746-7239 for Official communications and (703) 746-7240 for Non-Official/Draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Sue Lao
May 2, 2003

Sue Lao